IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION No. 24688 of 1998

Between:

Old Ramalayam rep. by M.B. Naidu
2-1-221/1, Nallakunta, Hyderabad, R/o 2-1-195/1/A,
Nallakunta,Hyderabad S/o. G.R.Kuppu Swamy Naidu.

..... PETITIONER

AND

1 Asst. Commissioner, Endowment Dept. Twin Cities,
Boggulakunta, Hyderabad.
2 Dy. Commissioner, Endowment Dept. Telangana Region City,
Boggulakunta, Hyderabad.
3 Commissioner, Endowment Dept.
Govt. of A.P., Boggulakunta, Tilak Road, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a Writ of Certiorari or any other Writ or Writs appropriate in the present circumstances against the respondents and declare the impugned notice R.C.No.2154/98 dt: 22-7-1998 issued by the Respondent No.1 for appointing Board Members as illegal void and without Jurisdiction.

Counsel for the Petitioner : Mr.K.RAMA RAO

Counsel for Respondents : G.P. FOR ENDOWMENTS

The Court made the following :

ORDER:

In the present writ petition, the petitioner is questioning the notice dated 22-7-1998 calling for applications from eligible and interested persons for appointment of Trust Board under section 18 and 19 of the Endowments Act.

The petitioner claims that his father has constructed a temple of
Lord Sri Rama, within the residential premises bearing No. 2-1-221/1, Nallakunta, Hyderabad. The specific contention of the petitioner is that it is a private property and not an endowment or charitable institution and that no aid whatsoever was received from the Endowment Department or the Government for construction, development or maintenance of the said temple. While so, the impugned notice dated 22-7-1998 was issued for appointment of Board members. Questioning the impugned notice dated 22-7-1998, the petitioner filed O.A.No. 53 of 1998 before the Deputy Commissioner- Endowment, Telangana Region at Hyderabad together with a stay petition. Since, no orders were passed in the said O.A. No.53 of 1998, the petitioner filed the present writ petition, mainly on the ground that the subject temple is purely private property and provisions of A.P.Charitable and Hindu Religious and Institutions of Endowments
Act, 1987 are not applicable to it.

Learned Government Pleader for Endowments, submitted that whether the subject temple is a private property or taken over by the Endowments department, is the subject matter of O.A. No. 53 of 1998, pending before the second respondent. It is further stated that the Second respondent, after hearing both the parties has reserved the Original Application for judgment and the same was reopened at the instance of the petitioner herein.

Heard learned counsel for petitioner and learned Government Pleader for Endowments.

Since, the issue raised in the present writ petition is subject matter of O.A. No. 53 of 1998 pending before the second respondent, without going into the merits of the matter, I deem it appropriate to dispose of the writ petition with a direction to the second respondent to dispose of O.A. No.53 of 1998 in accordance with law, expeditiously, preferably within a period of eight weeks from the date of receipt of copy of this order, if not already disposed of.

Accordingly, the writ petition is disposed of. No costs.

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N.V.RAMANA, J

Date: 18.3.2005

TVK/DA

To

1 The Asst. Commissioner, Endowment Dept. Twin Cities,
Boggulakunta, Hyderabad.
2 The Deputy Commissioner, Endowment Dept. Telangana Region City,
Boggulakunta, Hyderabad.
3 The Commissioner, Endowment Dept.
Govt. of A.P., Boggulakunta, Tilak Road, Hyderabad.

4 Two CCs to the G.P. for Endowments, High Court Buildings,
Hyderabad (OUT).

5 Two CD copies.